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A vital and enduring commitment: implementing the responsibility to protect

Report of the Secretary-General

Summary

The present report takes stock of 10 years of efforts to advance the responsibility to protect. It reaffirms the enduring relevance of the principle, both as an expression of political commitment and as a guide for action to prevent and halt genocide, war crimes, ethnic cleansing and crimes against humanity. It also outlines the consensus that has developed on the three-pillar framework for implementation established in 2009 (see A/63/677) and elaborated through annual dialogues in the General Assembly.

The report assesses the range and impact of implementation efforts under each of the three pillars of the principle, including actions by States to ratify relevant legal instruments and build national resilience to atrocity crimes; international initiatives to assist States in fulfilling their primary responsibility to protect; and efforts by the international community to respond to protection crises, using a variety of tools. A following section identifies key changes in the international landscape since 2005 that will affect future actions to advance the responsibility to protect.

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The report concludes with six core priorities for the responsibility to protect over the next decade, namely, (1) signalling political commitment at the national, regional and global levels to protect populations from atrocity crimes; (2) elevating prevention as a core aspect of the responsibility to protect; (3) clarifying and expanding options for timely and decisive response; (4) addressing the risk of recurrence; (5) enhancing regional action to prevent and respond to atrocity crimes; and (6) strengthening international networks dedicated to genocide prevention and the responsibility to protect.

I. Introduction

1. In spite of proclamations of "never again" following abject failures to prevent atrocity crimes[1] during the twentieth century, far too many of today's crises feature forms of violence that shock the global conscience and challenge our common humanity. Acts that may constitute genocide, war crimes, ethnic cleansing and crimes against humanity are occurring in several countries, including the Central African Republic, the Democratic Republic of the Congo, the Democratic People's Republic of Korea, Iraq, Libya, Nigeria, South Sudan, the Sudan, the Syrian Arab Republic and Yemen. A host of other situations feature serious violations of human rights or international humanitarian law that entail significant risk of further escalation, or are marked by violent extremism that poses a particular threat to religious and ethnic minorities.

2. These situations are generating protection challenges of immense proportions. In the Syrian Arab Republic, for example, more than 220,000 people have been killed and over one million have been injured since the outbreak of conflict; 7.6 million are internally displaced and almost 4 million have become refugees.[2] In South Sudan, more than 2 million people are currently displaced and nearly 118,000 have sought shelter inside "protection of civilian" sites of the United Nations Mission in South Sudan.[3] The staggering scale of this suffering should compel the international community to frankly assess its failures and redouble its commitment to protect vulnerable populations from the most egregious international crimes.

3. Member States recognized the imperative to prevent and halt atrocity crimes when they adopted the principle of the responsibility to protect at the 2005 World Summit. Heads of State and Government affirmed their primary responsibility to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity and accepted a collective responsibility to assist each other in fulfilling this responsibility. They also declared their preparedness to take timely and decisive action, in accordance with the Charter of the United Nations and in cooperation with relevant regional organizations as appropriate, when national authorities manifestly fail to protect their populations.

4. The time has come to take stock of efforts to uphold this commitment. This report assesses the advancement of the responsibility to protect over the past 10 years, identifies outstanding challenges to the implementation of the principle and articulates six core priorities to guide atrocity crime prevention and response in the decade ahead.

5. The importance of the responsibility to protect has been reiterated many times since the 2005 World Summit. The Security Council has adopted 30 resolutions and six presidential statements that refer to the responsibility to protect, and support for the principle and the Special Advisers on the Prevention of Genocide and the

[1] The present report uses the term "atrocity crimes" to refer to the four acts specified in paragraph 138 of the 2005 World Summit Outcome. Genocide, war crimes and crimes against humanity are defined in international criminal law; ethnic cleansing, while not established as a distinct crime, includes acts that will regularly amount to one of the crimes, in particular genocide and crimes against humanity.

[2] United Nations, press release, 12 March 2015; available from www.un.org/press/en/2015/sgsm16588.doc.htm.

[3] Report of the Secretary-General on South Sudan (S/2015/296), para. 20.

Responsibility to Protect has been expressed in stronger terms and with increasing frequency in recent years.[4] In several resolutions authorizing United Nations peace operations the Council has emphasized the need to support national authorities in upholding their responsibility to protect.[5] The General Assembly has continued consideration of the principle, held a formal debate, and convened six annual informal interactive dialogues. The Human Rights Council has adopted 13 resolutions that feature the responsibility to protect, including three on the prevention of genocide and nine relating to country-specific situations. At a regional level, the African Commission on Human and Peoples' Rights has adopted a resolution on strengthening the responsibility to protect in Africa[6] and the European Parliament has recommended full implementation of the principle by the European Union.[7]

6. My annual reports on the responsibility to protect have elaborated a framework for implementation based on three equal and mutually reinforcing pillars.[8] Pillar I addresses how States can fulfil their primary responsibility to protect their populations.[9] Pillar II outlines the collective responsibility of the international community to encourage and help States to meet their responsibility to protect.[10] Pillar III elaborates options for timely and decisive response.[11] I have also provided guidance on early warning and assessment of atrocity crimes[12] and the role of regional and subregional arrangements.[13] As a result, consensus has developed on core aspects of this framework, including the need to prioritize prevention, to utilize a full range of diplomatic, political and humanitarian measures, to consider military force only as a last resort, and to ensure that implementation of the responsibility to protect is in accordance with the Charter and other established principles of international law.

7. This consensus spans all regions. The past decade demonstrates that arguments about specific national circumstances do not supersede universal obligations to safeguard populations from genocide, war crimes, ethnic cleansing and crimes against humanity. There is no longer any question that the protection of populations from atrocity crimes is both a national and an international responsibility.

8. Over the past 10 years, the international community has responded to situations that presented elevated risks or the ongoing occurrence of atrocity crimes. This has produced some notable successes. Concerted international engagement in Côte d'Ivoire, Guinea, Kenya and Kyrgyzstan helped to avert the recurrence of

[4] See, in particular, Security Council resolutions 2150 (2014) and 2171 (2014).

[5] See, for example, Security Council resolutions 1975 (2011), 1996 (2011), 2085 (2012) and 2121 (2013).

[6] ACHPR/Res.117 (XXXXII) 07.

[7] Recommendation of the European Parliament of 18 April 2013 (P7_TA(2013)0180).

[8] See the report of the Secretary-General on implementing the responsibility to protect (A/63/677).

[9] See the report of the Secretary-General on the responsibility to protect: State responsibility and prevention (A/67/929-S/2013/399).

[10] See the report of the Secretary-General on fulfilling our collective responsibility: international assistance and the responsibility to protect (A/68/947-S/2014/449).

[11] See the report of the Secretary-General on the responsibility to protect: timely and decisive response (A/66/874-S/2012/578).

[12] See the report of the Secretary-General on early warning, assessment and the responsibility to protect (A/64/864).

[13] See the report of the Secretary-General on the role of regional and subregional arrangements in implementing the responsibility to protect (A/65/877-S/2011/393).

atrocity crimes. In other cases, however, international efforts failed to deliver adequate protection. The outbreaks of intercommunal violence in the Central African Republic and South Sudan represent significant failures to prevent atrocity crimes, even if the United Nations and regional organizations have tried to mitigate the scale of the crises by providing protection to vulnerable populations. International action has not proved effective in addressing the situation in the Democratic People's Republic of Korea, notwithstanding the conclusions of the commission of inquiry that systematic, widespread and gross violations of human rights are being committed that in many instances entail crimes against humanity.[14] In Iraq and the Syrian Arab Republic, the rise of the Islamic State in Iraq and the Levant (ISIL) and other violent extremist groups has resulted in an increase in atrocity crimes and the deliberate targeting of religious minorities.[15] The conflicts in Yemen and the Occupied Palestinian Territory of the Gaza Strip have generated high numbers of civilian casualties, raising concern about the indiscriminate use of force by all parties and the possible commission of war crimes.

9. Implementation of the responsibility to protect has also raised important practical questions, particularly with respect to timely and decisive response. The intervention in Libya authorized by the Security Council in resolution 1973 (2011) has generated debates about when and how force should be resorted to for the purposes of protection and raised concerns among some Member States about the misuse of the principle. It has also reminded actors of the vital need to consider what kind of sustained support may be required after the use of force. In addition, the international community's inability to respond effectively to the continuing crisis in the Syrian Arab Republic has led some to question the principle's utility in generating action in the hardest cases. These two crises have also contributed to wider misperceptions that the responsibility to protect is primarily concerned with coercive measures.

10. This record should not shake our resolve to live up to the responsibilities Member States committed themselves to in 2005. In fact, the evolution of the responsibility to protect demonstrates why it remains such a critical resource for preventing and halting genocide, war crimes, ethnic cleansing and crimes against humanity.

11. First, the principle's narrow scope, as set out in the 2005 World Summit Outcome, limits the responsibility to protect to only the most serious international crimes. The primary purpose of the responsibility to protect is to close the gap between State obligations under legal instruments, such as the Convention on the Prevention and Punishment of the Crime of Genocide and the Geneva Conventions of 1949, and the continuing subjection of populations to the violence and terror of atrocity crimes.

12. Second, the responsibility to protect is a welcome clarification of standards and responsibilities for protection that both focuses on vulnerable populations and reinforces State sovereignty. It is based on the conviction that State sovereignty is

[14] Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea (A/HRC/25/63), para. 24.

[15] Statement by the Special Adviser of the Secretary-General on the Prevention of Genocide, the Special Adviser of the Secretary-General on the Responsibility to Protect, the Special Rapporteur on Minority Issues and the Special Rapporteur on Freedom of Religion or Belief, on the situation in Syria (12 June 2015); available from www.ohchr.org.

enhanced through more effective protection of populations from atrocity crimes. The responsibility to protect and State sovereignty are thus allies, not adversaries.

13. Third, paragraphs 138 and 139 of the World Summit Outcome (see General Assembly resolution 60/1) establish important constraints on unilateral action. Ten years ago, Heads of State and Government emphasized that the commission of genocide, war crimes, ethnic cleansing and crimes against humanity could no longer be deemed solely matters of domestic concern. At the same time, they wanted to forestall the potential for abuse of the principle. The carefully crafted consensus underpinning the responsibility to protect addresses those concerns by creating a partnership for protection among States and international actors. It provides a framework of action for protecting populations that reinforces existing State responsibilities, is governed by the collective security provisions in Chapters VI, VII and VIII of the Charter of the United Nations and restricts the use of coercive measures to actions authorized by the Security Council. The responsibility to protect thus remains a vital principle for encouraging national and international action to prevent and respond to atrocity crimes in accordance with international law.

II. The implementation imperative

14. The responsibility to protect is at a turning point. I welcome refinements over the past decade that have greatly diminished points of conceptual debate on the principle and redirected attention to issues associated with effective implementation. This new focus is urgently needed. A shift in the conversation from the conceptual to the practical will help to ensure that the responsibility to protect retains its aspirational quality. The principle was not designed to make Member States and other international actors comfortable. Its purpose, and value, is to push all of us to do more and to do better. Heads of State and Government endorsed the 2005 World Summit Outcome because they believed that the status quo was unacceptable. As we move into the next decade, the desire to answer every potential criticism must not divert us from our core purpose.

15. The case for accelerating implementation could not be stronger. Genocide, war crimes, ethnic cleansing and crimes against humanity are a deep affront to humanity, to the very dignity of human beings. Atrocity crimes exacerbate wider protection needs, turn existing crises into more severe humanitarian emergencies and create conditions particularly harmful to vulnerable groups such as women and children. These acts can also represent a serious threat to international peace and security, as situations involving atrocity crimes can generate lasting instability, both within and across borders. Such crimes often amplify sources of conflict, limit the scope for peaceful resolution of crises, produce significant refugee flows and internal displacement, and destabilize neighbouring countries.

16. Atrocity crimes have wide-ranging costs and long-lasting effects. Painful experience over the past decades illustrates how the perpetration of violence based on the victims' identity destroys the fabric of societies, with consequences that pass from one generation to the next. It erodes processes of governance, dramatically reverses economic development, creates new demands for international assistance, and leaves lasting scars that impede efforts to rebuild peace. At a time when international capacity to respond to current crises is strained, it is imperative that Member States and other international actors devote more energy and resources to

effective prevention and accelerate efforts to put an end to the ongoing perpetration of such crimes.

III. Operationalizing the three pillars

17. In preparing this report, the Special Adviser on the Responsibility to Protect has assembled a compendium of practice, based on inputs received from Member States, regional organizations and civil society, which serves as a public resource on the implementation of the responsibility to protect to date.[16] The overall picture shows that efforts are advancing on multiple fronts. There has been considerable improvement in the capacity of actors to identify risk factors for atrocity crimes and to develop preventive and responsive strategies. At the same time, there is an acute need for more sustained and targeted action that addresses key sources of risk and builds more effective mechanisms for protecting populations.

A. Pillar I: the protection responsibilities of the State

18. The intergovernmental consensus reached in 2005 underlines the primary responsibility of each State to protect its populations. Pillar I of the responsibility to protect thus builds on, but also seeks to strengthen compliance with, existing State obligations under international human rights, humanitarian, criminal and refugee law. It is also an acknowledgement that the main sources of resilience to atrocity crimes lie within States and societies themselves.

Advancing participation in key legal instruments

19. The first encouraging aspect of implementation is the move by several States to become parties to the relevant legal instruments pertaining to genocide, war crimes, ethnic cleansing and crimes against humanity.[17] Some have implemented these legal obligations at the national level through revisions of criminal law or have developed practical measures for these legal instruments to be implemented more effectively. Of particular importance are national measures to ensure that no one is above the law, such as removing obstacles to the prosecution of State officials accused of serious crimes and reinforcing the legal obligations incumbent on security and police forces.

20. Progress on participation in treaties, however, is uneven and lags unacceptably in some cases. I am concerned that 48 Member States have not become parties to the Convention on the Prevention and Punishment of the Crime of Genocide. Twenty-eight Member States have yet to become parties to one or both of Additional Protocols I and II to the Geneva Conventions, a critical shortcoming in the current context given the crucial provisions they contain for extending protection

[16] The compendium of practice is available from www.un.org/en/preventgenocide/adviser/.

[17] These instruments include the Convention on the Prevention and Punishment of the Crime of Genocide; the Geneva Conventions of 1949 and the Additional Protocols thereto; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention relating to the Status of Refugees and the 1967 Protocol thereto; the Rome Statute of the International Criminal Court; the Arms Trade Treaty; and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

obligations to situations of international and non-international armed conflict. Gaps are also visible with respect to international criminal justice. Seventy-two Member States are still not parties to the Rome Statute of the International Criminal Court, and some parties to the Statute have not always fulfilled their obligations. In other cases, differences linger between how some domestic jurisdictions and international jurisdictions investigate and sanction atrocity crimes. Ending impunity is neither optional nor negotiable. Accountability not only contributes to preventing the recurrence of atrocity crimes but also makes national institutions stronger and more legitimate.

Building national resilience to prevent atrocity crimes

21. Effective, legitimate and accountable State structures advance atrocity crime prevention, especially by resolving sources of tension at the earliest stage. Of particular importance are constitutional and other legal measures that institutionalize respect for diversity, effective and responsive judicial systems, public policies that address persistent patterns of inequality, and the capacity to counter incitement to hostility and violence. The overwhelming majority of victims of atrocity crimes have endured deprivation and discrimination, whether based on race or ethnicity, religion or belief, political or other opinion, gender, sexual orientation, caste or class.

22. While Member States today acknowledge their primary responsibility to protect, many have not prioritized policies designed to build national resilience to atrocity crimes.[18] This may require new initiatives. A case in point is the Regional Committee of the International Conference of the Great Lakes Region on the Prevention and Punishment of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination — a regional effort to strengthen national capacity to assess atrocity crime risk and mobilize early response. In other instances, it entails strengthening mechanisms for intercommunal dialogue in ways that bring together State and non-State actors, including by providing a prominent role for community and religious leaders and women's organizations. In most cases, however, prioritizing prevention means ensuring that existing programmes explicitly address atrocity crime risks by promoting inclusiveness, counteracting exclusionary ideologies and acting swift'y and decisively to sanction violations of international human rights and humanitarian law.

23. Finally, it is alarming to witness the retreat in some national contexts from the protection of human rights and respect for international humanitarian and refugee law. Governments point to exceptional circumstances, such as terrorist threats, protest and rebellion, or the pressures of migration, to justify abrogating their legal obligations. But the responsibility to protect encompasses all populations in all circumstances and at all times. It is especially important that national actors fulfil their existing legal obligations during periods of crisis. In several contemporary situations of armed conflict, warring parties have failed to protect civilians from the impact of hostilities, deliberately targeted civilians, or created serious obstacles to the delivery of humanitarian relief. Member States must strongly condemn these failures to uphold the most basic principles of international humanitarian law. They should also emphasize that the arbitrary denial of humanitarian access, and depriving civilians of objects indispensable to their survival, including by wilfully

[18] A/67/929-S/2013/399, paras. 35-48.

impeding relief supply and access, constitute violations of international humanitarian law.

Expanding and supporting national focal points

24. The establishment of Member State focal points to integrate an atrocity crime perspective into national policy is a particularly promising development of the past decade. These national "homes" for the responsibility to protect — which now encompass a quarter of the United Nations membership — not only help to increase awareness of the principle and coordinate policy within government, but also provide a launching pad for discussions among Member States. Networks foster a "community of commitment" and serve as vital repositories of expertise.

25. Focal point networks need to become truly global in their membership in order to enable a richer sharing of lessons learned between regions. Focal points themselves need to be empowered with the resources and institutional authority necessary to ensure that atrocity crime prevention and response is embraced broadly — not only by various government departments and agencies, but also by a wider array of societal actors. This process will help to build long-lasting infrastructure for prevention and protection, thus ensuring greater consistency and sustainability in how States fulfil their responsibility to protect.

B. Pillar II: international assistance and capacity-building

26. Member States now have a greater understanding of the risk factors for atrocity crimes and how to assist one another in mitigating them. There are also encouraging efforts under way to adjust existing forms of international support to better address atrocity crime risks. Civil society advocacy and technical advice have supported these advances, including through the development of early warning mechanisms and the delivery of targeted training programmes. However, this agenda has not yet been consistently or widely adopted.

27. The integration of an atrocity crime perspective into conflict prevention, development cooperation, peacekeeping and peacebuilding requires four main shifts in emphasis. The first is an appreciation of the various contexts in which genocide, war crimes, ethnic cleansing and crimes against humanity are committed. While atrocity crimes most frequently occur within an armed conflict, whether international or civil, some can also be committed outside that context or as part of a pre-conflict phase. The second shift is towards risk analyses that focus both on threats to particular populations — often based on their identity — and on the motives, opportunities and means of potential perpetrators for committing systematic violence. The third is an ability to adjust and prioritize particular kinds of support — for example, efforts directed at intercommunal dialogue — when there is evidence of increased risk of violence against particular populations. More broadly, assistance must be designed to ensure that it does not exacerbate existing discrimination or reinforce persistent patterns of inequality. Finally, atrocity crime prevention demands that ongoing conflicts be constantly monitored for changes in dynamics that might lead protagonists on either side of an armed struggle to engage in atrocity crimes.

Encouragement

28. Despite considerable evidence that dialogue and preventive diplomacy play an important role in encouraging States to fulfil their responsibility to protect, the international community systematically continues to underinvest in these tools. As the High-level Independent Panel on Peace Operations has recommended, Member States must provide more consistent backing — both political and financial — for resources that can advance the prevention of violence, including special envoys, mediators, peace operations and regional offices.[19] Early engagement is more likely to be persuasive than appeals for restraint that come after actors are already committed to a more confrontational and deadly path.

29. The intergovernmental bodies of the United Nations can also play a more proactive role in encouraging States to protect their populations. In keeping with the commitment expressed in resolution 2171 (2014), the Security Council could use its existing working methods to consider atrocity crime risks at the earliest possible stage, including by requesting briefings from the Special Advisers on the Prevention of Genocide and the Responsibility to Protect, supporting United Nations preventive deployments and undertaking its own field missions. The Peacebuilding Commission can also encourage Member States to incorporate atrocity crime risk analysis and response in peacebuilding strategies, provide support for relevant capacity-building and technical assistance, develop closer cooperation with the Special Advisers on the Prevention of Genocide and the Responsibility to Protect, and use its advisory capacity to warn the Security Council of the potential occurrence of atrocity crimes.

30. International human rights bodies provide another important form of encouragement and can help to reduce the political sensitivities that often preclude early prevention. The Human Rights Council, special procedures mandate-holders and commissions of inquiry have all referenced the responsibility to protect in recent years. However, there are opportunities to more systematically include atrocity crime risk factors and national efforts to address them in the universal periodic review process, in human rights reporting and in the proceedings of the human rights treaty bodies. Expanding this form of encouragement will also better connect deliberations in New York and Geneva, thereby ensuring a more comprehensive and consistent approach across various United Nations bodies. Regional human rights mechanisms should also consider including atrocity crime prevention in their mechanisms for peer review and assessment.

Capacity-building

31. I have identified seven particular capacities that play a significant role in mitigating the risk of atrocity crimes.[20] The compendium of practice highlights promising examples of international support for each of these inhibitors, including efforts to strengthen national electoral commissions and human rights institutions,

[19] Report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people (see A/70/95-S/2015/446), paras. 65-79.

[20] The seven inhibitors include a professional and accountable security sector; impartial institutions for overseeing political transitions; independent judicial and human rights institutions; the capacity to assess risk and mobilize early response; local capacity to resolve conflicts; media capacity to counteract prejudice and hate speech; and capacity for effective and legitimate transitional justice (see A/68/947-S/2014/449, paras. 43-58).

to reinforce human rights protection and respect for international humanitarian law in security sector reform, and to foster independent media and other mechanisms for countering incitement to discrimination, hostility or violence. At the community level, capacity-building efforts have focused on leveraging the role of religious and community leaders in dialogue and incorporating local voices, particularly women, into early warning systems.

32. There is still wide scope for Member States and international organizations to evaluate and strengthen their current capacity to provide pillar II assistance. Some Member States have already adjusted their support to focus on the inhibitors of atrocity crimes, to target legacies of violence or systematic discrimination, to assess how past efforts may have negatively reinforced existing patterns of inequality and to train officials to develop and manage such programmes. These steps should be reinforced and expanded, thereby ensuring that international assistance specifically addresses atrocity crime risks and is provided in a flexible manner that respects national ownership and builds mutual commitment.

Protection assistance

33. United Nations peace operations are often a front-line resource for assisting States under stress to uphold their responsibility to protect. Currently 10 out of 16 United Nations peacekeeping missions are mandated by the Security Council to support host States in protecting their civilian populations. Increasingly, these operations confront situations characterized by widespread and systematic violence, the specific targeting of groups based on identity and the indiscriminate use of force. Peacekeepers are also being deployed with greater frequency into complex and hostile environments where there is no peace to keep. I call on peacekeeping missions to be guided by more strategic and forward-looking assessments of threats to populations that incorporate the perspective and the protection strategies of local actors, particularly women and children. This will require enhancing the intelligence capabilities of missions. Such missions must also be provided with the rapidly deployable capabilities and resources, both military and civilian, necessary to respond to the changing scale and nature of the threats they encounter.

34. The protection of civilians strategies guiding peace operations would benefit from a more focused approach to identifying and tracking atrocity crime risks, as part of integrated threat analysis and as outlined by the Framework of Analysis for Atrocity Crimes developed by the Office on Genocide Prevention and the Responsibility to Protect. More regular and systematic casualty recording would also support efforts to monitor evolving patterns of violence against particular groups. The lessons learned from the practical challenges faced in recent crises featuring atrocity crimes must also be included in relevant human rights and protection of civilians predeployment training for military and civilian personnel, particularly those in leadership positions. The recent anniversaries of the genocides in Rwanda and Srebrenica remind us that, for United Nations peacekeeping to be effective, missions must be fully committed, equipped and mandated to ensure civilian protection. On their part, Member States must work harder to ensure that parties to conflict know that there will be serious consequences for the commission of international crimes.

35. Finally, it is crucial to remember that the perpetration of atrocity crimes requires access to military, financial and technical means. In this respect, I welcome

the Security Council's commitment in resolutions 2117 (2013) and 2220 (2015) to stem the flow of small arms and light weapons, assist Member States in the safe and effective management of outstanding stocks, support disarmament, demobilization and reintegration processes, and employ arms embargoes and targeted sanctions where appropriate. Member States must continue to expand cooperation to restrict access to small arms and light weapons and to combat vigorously illicit financing and other forms of illegal trafficking, especially by strengthening cross-border customs cooperation and pursuing full and timely implementation of the Arms Trade Treaty.

C. Pillar III: timely and decisive response

36. While prevention is the preferred approach to implementing the responsibility to protect, it does not always succeed. Experience in the past decade demonstrates that timely and decisive response remains essential to protecting populations and that a collective response can dampen the determination of potential perpetrators to commit atrocity crimes. However, the record also shows a lack in both the political will and cohesion of the international community, which has compromised the pursuit of a consistent and timely response to protecting populations.

37. In paragraph 139 of the 2005 World Summit Outcome, Heads of State and Government emphasized the full range of tools at the disposal of the international community — non-military as well as military — to respond to the imminent risk or commission of genocide, war crimes, ethnic cleansing and crimes against humanity. Over the past decade, Member States have utilized various non-military measures in efforts to respond to or prevent the escalation of atrocity crimes, including mediation, monitoring and observer missions, fact-finding missions and commissions of inquiry, and public advocacy by international officials. Acting under Chapter VII of the Charter, the international community has also employed more robust tools, including sanctions designed to discourage the targeting of civilians, the establishment of peacekeeping missions and the authorization of military action with the express purpose of protecting civilians.

38. Notwithstanding this range of options, the third pillar of the responsibility to protect is still commonly perceived as being solely concerned with the use of force. This perception needs to be countered. First, the choice is not between inaction and the use of force. Non-military tools have made a tangible difference in responding to the commission of atrocity crimes and preventing their escalation. Second, even in intractable situations characterized by continuing violence, international actors have attempted to fulfil their responsibility to protect through political, diplomatic and humanitarian means. These efforts may at times have fallen short of delivering a long-term protective environment, but they have succeeded in saving lives. Finally, in some circumstances it may not be judged possible to employ force for protection purposes without potentially causing more harm than good.

39. Looking ahead to the next decade, I continue to favour an early and flexible approach to acting on pillar III responsibilities that focuses on non-coercive means, but that takes into consideration from the outset all the mechanisms available under the Charter. There are five prerequisites for the success of this approach.

40. First, the choice of tools employed by the international community needs to be better shaped by timely and accurate knowledge of the circumstances on the ground

and well-informed judgement about the consequences of employing different measures. Member States have an obligation to seek the best and most impartial information about vulnerable populations, the intentions of potential perpetrators, and political and other dynamics which could lead to atrocity crimes. It is also their responsibility to anticipate, as far as possible, any harmful effects of their policy responses and to mitigate those potential consequences in their plans for collective action. These factors need to be fully considered in the decision-making of relevant international and regional bodies, including the Security Council.

41. Second, Governments and other actors need to better understand the conditions under which tools are likely to be effective. Sanctions, for example, work best when coupled with a larger conflict management strategy, have clear objectives and meet international human rights standards, and can be calibrated to identify clearly the kind of behaviour or actions that they seek to modify. Mediation is more likely to succeed when there is a single process fully supported by the international community and a peace agreement is more likely to endure when it has political commitment from the parties to the conflict, and buy-in from the population, addresses the root causes of the conflict and can withstand the stresses of implementation.

42. Third, the use of measures under pillar III needs to be informed by more comprehensive strategies, aimed squarely at preventing the further commission of atrocity crimes. Too often, actors have adopted one tool without full consideration of how it relates to other mechanisms. The example of the 2010 presidential elections in Guinea illustrates how Member States and other regional and international actors can coordinate a range of measures designed to prevent the escalation of atrocity crimes, including high-level preventive diplomacy, an arms embargo, travel bans on key individuals, and the prospect of prosecution by the International Criminal Court. That case also highlights the need for coherent international engagement that reflects the respective roles played by international, regional and bilateral actors.

43. Fourth, when the Security Council concludes that military means are necessary, mandates must be clear in their goals, expected duration, and procedures for reviewing progress. Collective military action must also be calibrated and proportionate, with rules of engagement that are both consistent with the protective aim of the operation and fully compliant with international law. Consideration must also be given at the earliest possible stage to the support required for post-crisis peacebuilding. These efforts to improve decision-making, monitor implementation and honour civilian protection standards will all contribute to achieving the goal of responsible protection.[21]

44. Finally, while the 2005 World Summit Outcome called upon the Security Council to address atrocity crimes on a case-by-case basis, the Council's inconsistent response to situations featuring genocide, war crimes, ethnic cleansing and crimes against humanity continues to affect the standing of the responsibility to protect. The Security Council has too often failed to live up to its global responsibility, allowing narrower strategic interests to impede consensus and preclude a robust collective response. Similarly, leaders of neighbouring countries and regional organizations must clearly support the messages and measures

[21] See the letter dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General (A/66/551-S/2011/701).

emanating from the Security Council so that the international community speaks with one voice.

IV. New challenges in protection

45. Atrocity crimes are now being committed in a wider range of situations, in the context of new conflict dynamics and by different types of perpetrators. In some circumstances, the international community is also struggling to manage the consequences of declining State control over its territory. Within this broader context, two challenges are likely to be particularly significant: responding to non-State armed groups that engage in atrocity crimes and adjusting to the impact of new technologies.

Non-State armed groups

46. The scale, brutality and global impact of the acts committed by non-State armed groups like ISIL, Boko Haram and Al-Shabaab represent a powerful new threat to established international norms. Although the commission of atrocity crimes by non-State armed groups is not a new phenomenon, the brazen manner in which certain non-State armed groups seem to have embraced the use of genocide, war crimes, ethnic cleansing and crimes against humanity as a strategy for advancing their objectives is unprecedented. Confronting the challenges posed by those groups will require the international community to modify the ways in which it anticipates, prevents and responds to the commission of atrocity crimes.

47. First, early warning mechanisms will need to be updated to reflect the different objectives, ideologies and tactics of non-State armed groups and the conditions under which they are likely to commit atrocity crimes.

48. Second, given that violent extremism and terrorism are occurring in contexts where the risk of atrocity crimes is also present, there is scope for enhanced cooperation on structural prevention of atrocity crimes. Aspects of the United Nations Global Counter-Terrorism Strategy are relevant for early prevention, including the emphasis on sustained investment in inclusive, accountable and effective governance, as well as greater efforts to promote dialogue and understanding between civilizations, cultures, peoples and religions. My forthcoming plan of action on preventing violent extremism will also address many of those factors and strategies.

49. Third, the options outlined in pillar III of the responsibility to protect may also be less effective when applied to non-State armed groups. Tools such as public advocacy, fact-finding missions, monitoring missions and targeted sanctions may have a more limited influence on actors not seeking international legitimacy. At the same time, the temptation to readily resort to force must be balanced against the urgency of the specific situation and the potential impact and effectiveness of non-coercive tools. Coercive measures should be embedded within comprehensive political strategies that provide a path towards rebuilding a society, recognize legitimate grievances, build social cohesion, encourage dialogue and mitigate intercommunal tensions. Every effort must also be made to ensure that any military response to non-State armed groups avoids indiscriminate approaches that may subject populations to potential war crimes.

50. Finally, policymakers also need to address the issues associated with bringing the responsibility to protect closer to related agendas such as preventing violent extremism or countering terrorism. While coordination across those agendas has the potential to bring additional momentum to efforts to prevent and respond to atrocity crimes, the responsibility to protect has a distinct objective, legal foundation and policy framework that will not always sit easily alongside security imperatives. Member States and other actors will therefore need to ensure that their approaches for addressing non-State perpetrators are grounded fully and consistently in respect for international human rights and humanitarian law.

New technologies

51. Access to information and communications technology is connecting once disparate populations, raising awareness of atrocity crimes and making visible the plight of vulnerable populations to an unprecedented degree. This technological context enables new forms of political action, with both positive and negative consequences.

52. The challenges created by access to information and communications technology have been starkly illustrated by the use of the Internet and social media by groups like ISIL to spread violent extremist ideology, communicate, coordinate and plan atrocity crimes. These technologies are dramatically expanding the reach of messages from non-State armed groups that would once have been limited to geographically defined communities. This has in turn encouraged foreign fighters to engage in conflicts in Iraq and the Syrian Arab Republic and spurred radicalization in other Member States.

53. The technologies that may facilitate the perpetration of atrocity crimes also create new opportunities for prevention. Traditional early warning models can be supplemented with techniques that draw on social media and online information sources to identify emerging risks at an earlier stage. Mobile telephone networks can be used to identify and respond to signs of communal conflict in real time or to provide a vital lifeline between isolated communities at risk and national and international forces seeking to provide protection. Efforts to combat violent extremism with counter-speech focused on promoting tolerance and dialogue can leverage social media to expand reach and impact. The Office on Genocide Prevention and the Responsibility to Protect has developed policy options to prevent incitement to atrocity crimes that particularly focus on the role of media and new media.[22] As those options demonstrate, the challenge ahead lies in maximizing the potential of new technologies to prevent atrocity crimes, while also upholding the freedom of expression and opinion necessary to maintain inclusive and open societies.

V. Priorities for the next decade

54. Implementing the responsibility to protect requires swift, early, determined and coordinated action at the global, regional and national levels. Although there is

[22] The policy options are available from www.un.org/en/preventgenocide/adviser/pdf/Prevention%20of%20incitement.Policy%20options.Nov2013.pdf.

scope to accelerate progress in many areas, six priorities are likely to make the greatest difference in advancing the principle over the next decade.

Demonstrating political commitment

55. The United Nations, regional organizations and Member States will not be judged on their rhetorical commitments, but rather on the actual protection provided to communities at risk. Addressing the challenges outlined in this report requires the adaptation of existing tools and mechanisms, dedicated policy initiatives, reallocation of resources and, in some cases, bold institutional change. It also demands that the protection of populations be elevated above more particular political and strategic interests. All of these steps will require renewed and steadfast political commitment and leadership.

56. The United Nations has already improved its capacity to prevent and respond to atrocity crimes, most notably through the establishment of the Office on Genocide Prevention and the Responsibility to Protect. The Human Rights up Front initiative also seeks to embed a commitment to protecting populations from serious violations of international human rights and humanitarian law in the operational culture of the United Nations.

57. Some Member States and regional organizations have taken similar steps. Others are exploring alternate ways of institutionalizing a commitment to preventing and responding to atrocity crimes. I particularly encourage Member States to pursue atrocity crime prevention and response as an explicit national priority and to devise concrete national plans for implementation. Beyond action at the national level, placing the responsibility to protect on the formal agenda of the General Assembly could permit a deeper consideration of all aspects of the principle.

Investing in atrocity crime prevention

58. Additional investment in atrocity crime prevention at the national, regional and global levels is urgently needed to overcome three enduring challenges.

59. First, despite improvements in early warning methodologies, these mechanisms too often remain disconnected from early action. Member States, along with regional and international organizations, need to ensure that existing processes for early warning, conflict analysis and crisis management explicitly identify atrocity crime risks, convey concrete policy options to senior policymakers in a timely manner, and are backed by adequate mechanisms and resources to ensure immediate action. These steps require not only institutional reform but also changes in the behaviour of individuals working within those institutions.

60. Second, prevention must become the rule rather than the exception. This can only be achieved if open discussion of situations of concern becomes a more regular and accepted part of international cooperation. The Security Council, the General Assembly, the Human Rights Council and the Peacebuilding Commission can all enhance their contribution to atrocity crime prevention by demonstrating a greater willingness to consider and respond to the earliest signs of risk. Prevention must also be embedded in the work of other institutions operating at the national, regional and global levels. This broader range of actors will need to overcome the prevailing tendency to see the responsibility to protect as disconnected from related activities

on conflict prevention, peacebuilding, the protection of civilians, the protection and empowerment of women and girls, and international criminal justice.

61. Third, more work is required to understand which atrocity prevention tools work best and in what sequence. By the end of 2016, my Special Advisers on the Prevention of Genocide and the Responsibility to Protect will analyse relevant cases in order to produce a systematic assessment of atrocity crime prevention measures to date, with a view to distilling policy guidance for practitioners. I encourage Member States to engage in their own analysis of lessons learned in order to determine how they can better encourage and assist States to fulfil their responsibility to protect.

Ensuring more timely and decisive response

62. The path to providing more timely and decisive response begins by recognizing the breadth of tools under pillar III, investing in ways to make them more effective and understanding how they can best be combined. While these mechanisms can be employed by a variety of actors, a special responsibility has been entrusted to the Security Council. The growing acceptance of the responsibility to protect now makes it much more difficult for the Security Council to justify inaction in the face of genocide, war crimes, ethnic cleansing and crimes against humanity. When members of the Security Council are united, they can ameliorate conditions of insecurity and signal the resolve of the international community. But when they fail to find common purpose, as they have too often with regard to the Syrian Arab Republic, the impact can be devastating, including for the reputation and standing of the Security Council itself.

63. Even in exceptionally complex situations, with political dynamics pulling actors apart, the Security Council has the responsibility to devise an effective and collective response. I therefore encourage permanent members to exercise restraint in their use of the veto in situations that include the commission of atrocity crimes and welcome any effort designed to enhance the Council's ability to discharge its responsibilities. If States employ the veto in such situations, they should explain publicly what alternative strategy they propose to protect populations at risk. All members of the Security Council should continue to make even greater efforts to agree on an effective course of action.

64. By placing the coercive tools of the responsibility to protect in the hands of the Security Council, Member States reaffirmed the importance of collective decision-making about their use. Subsequent experience suggests that the deliberation should also be more inclusive. Mobilizing effective protection against atrocity crimes demands cooperation and contributions from a wider range of actors, including troop-contributing countries, major financial powers and key regional and local interlocutors. An additional priority for the responsibility to protect's next decade is to consider how protection missions authorized by the Security Council, but conducted by third parties, should be reported and reviewed, thereby addressing the concerns expressed after the Libya intervention in 2011.

Preventing recurrence of atrocity crimes

65. The development of the responsibility to protect has paid comparatively limited attention to preventing the recurrence of atrocity crimes. Interrupting repeated cycles of violence will require greater attention in the years ahead,

especially with respect to better integrating the implementation of the responsibility to protect within existing peacebuilding efforts. As the crisis in the Central African Republic graphically illustrates, the failure of peacebuilding processes can create conditions conducive to the commission of atrocity crimes, including through the outbreak of intercommunal violence among groups that had previously coexisted peacefully.

66. Preventing the recurrence of atrocity crimes requires not only a longer-term commitment to peacebuilding but also the recognition that societies recovering from these horrifying forms of violence may face particular challenges. Within the context of broader assistance for legitimate governance, it is necessary to adjust peacebuilding priorities, strategies and programming to address relevant atrocity crime risks, especially by emphasizing support for reconciliation and accountability. Formal processes of transitional justice must be coupled with concrete efforts to redress violations of international human rights and humanitarian law and be grounded in inclusive processes of political dialogue. The International Criminal Court has a particularly important role to play, both by holding perpetrators of atrocity crimes to account and through the support it provides to national mechanisms under the principle of positive complementarity.

67. Finally, it is important to remember that the responsibility to protect is an enduring obligation. As the current situation in Libya illustrates, timely and decisive response to atrocity crimes can help to address immediate threats, but must also be succeeded by sustained international assistance. Implementation of the responsibility to protect requires a spectrum of action, from prevention to timely and decisive response to addressing the risks of recurrence. The international community must be more committed and better prepared to engage at all stages.

Enhancing regional action

68. The responsibility to protect is a global commitment that needs to be embraced and advanced in all corners of the world, not just in the deliberations of Member State bodies at the United Nations. Regional organizations have a vital role to play in implementing the three-pillar framework, as they are often the most directly affected by the negative transnational consequences of atrocity crimes, the most capable of providing effective assistance to States struggling to protect their populations and the best suited to understanding how the responsibility to protect can be incorporated into a particular local context. Each region, to varying degrees, has institutions and mechanisms that can be leveraged for advancing atrocity crime prevention and response. Through efforts to strengthen this architecture, and to develop a particular awareness of the risks and dynamics associated with atrocity crimes, regional organizations — in partnership with the United Nations and other international actors — can assume even greater prominence in protecting populations from atrocity crimes.

Strengthening peer networks

69. One of the key strengths of the 2005 World Summit Outcome was the commitment made by Member States to support one another in fulfilling their responsibility to protect. Focal point networks have become a powerful mechanism for sharing contemporary or historical experiences and lessons learned. Going forward, focal points should be supported by concrete national strategies that

include four main elements, namely, an assessment of atrocity crime risks and sources of national resilience, which could draw on the Framework of Analysis for Atrocity Crimes; an identification of priorities for domestic and international action based on the inhibitors to atrocity crimes; more extensive training for relevant officials; and the mobilization of resources and political support, including where possible from legislatures. Finally, focal points should cooperate more closely with civil society and media partners to enable populations to hold State officials to account.

VI. Conclusion

70. As we reflect on the tenth anniversary of the 2005 World Summit, it is vital to appreciate the normative advancement represented by the responsibility to protect. The principle has transformed expectations about the protection of populations from atrocity crimes in a remarkably short period.

71. This does not mean, regrettably, that its demanding objective — to encourage effective prevention of atrocity crimes and to ensure timely and decisive response — has always been met during the past 10 years. Partial or inadequate efforts by Member States, international organizations, regional organizations and other actors continue to affect the responsibility to protect's standing and trajectory. Nor do those actors always agree on the means through which implementation should be pursued in a particular situation. Given the magnitude of the challenge, no one should be surprised that, after just one decade, the responsibility to protect has not made unfettered progress. However, as I observed in 2011 following the civilian protection missions in Côte d'Ivoire and Libya, "I would far prefer the growing pains of an idea whose time has come to sterile debates about principles that are never put into practice. The world has seen too much of the latter and too little of the former."[23]

72. The high expectations set by the responsibility to protect need to be answered. I will act on this imperative in four main ways. First, I will continue to exercise my good offices, including through the authority granted by Article 99, to bring situations involving the commission or imminent risk of atrocity crimes to the attention of the Security Council and the broader international community. Second, I will engage in preventive diplomacy, including through my special envoys and special representatives, to encourage actors to fulfil their responsibility to protect populations from atrocity crimes and warn them of the consequences of failing to do so. Third, I will continue and enhance the use of existing mechanisms for cooperation between the United Nations and regional organizations — including the strategic partnership between the United Nations and the African Union — to build a more effective partnership for protection based on a clear understanding of mutual responsibilities and comparative advantages. Fourth, I will continue to oversee, as a priority, implementation of the Human Rights up Front Action Plan, which is focused on improving the United Nations capacity to respond early and effectively to warning signs of serious violations of international human rights and humanitarian law, and better mobilize Member States' political support for preventive action. I will also develop more targeted recommendations on how to mainstream the responsibility to protect across the United Nations system.

[23] United Nations, press release, 23 September 2011; available from www.un.org/press/en/2011/sgsm13838.doc.htm.

73. Other members of the international community must also take up the call to action in this report. In particular, I call on the Security Council to act earlier to address situations of concern before they escalate into intractable conflicts, to provide robust political backing for United Nations good offices, preventive diplomacy and mediation, to employ the full range of measures at its disposal in a more timely and decisive manner, and to ensure that perpetrators of atrocity crimes are held to account for their actions. I also encourage the Human Rights Council and the Peacebuilding Commission to more systematically identify and address risk factors for atrocity crimes, paying particular attention to the sustained and targeted support societies require in the aftermath of genocide, war crimes, ethnic cleansing and crimes against humanity.

74. To uphold the responsibility to protect in practice, Member States should:

- Declare atrocity crime prevention and response a national priority, undertake a national risk assessment and articulate an actionable whole-of-government strategy for both domestic and international policy.
- Expand international and regional focal point networks and empower focal points with the institutional authority and resources necessary to drive policy change.
- Advance prevention by expanding responsive and flexible funding for preventive diplomacy, updating early warning systems to address atrocity crime threats and better connect with mechanisms for early action, regularizing discussion of atrocity crime risk factors in peer review processes, and conducting a review of lessons learned to date.
- Include regular consideration of atrocity crime prevention and response in the deliberations and activities of relevant regional institutions and expand the sharing of best practices and lessons learned, both within and across regions.
- Provide United Nations peace operations with the military and civilian capabilities necessary to respond rapidly and flexibly to situations at risk of atrocity crimes, and develop training and guidance relevant to the implementation of the responsibility to protect.
- Prevent recurrence by tailoring post-conflict peacebuilding to atrocity crime risks, including through support for transitional justice, reconciliation, and dedicated early warning and conflict resolution capacity.
- Expand efforts to prevent violent extremism and counter incitement to discrimination, hostility and violence by non-State armed groups, including through cooperation with religious and community leaders and by drawing on new technologies.

75. We are not powerless bystanders to atrocity crimes, even in cases which seem too big or intractable. Member States have well-established legal obligations to protect their own populations. They also have the capacity and ingenuity, if they act collectively, to help to protect populations from acts that the international community as a whole has condemned as the most egregious crimes. We must not shirk this responsibility, or act as though it is beyond our reach. Just as no State is immune to the risk of atrocity crimes, no State is absolved of its shared responsibility to protect.